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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,498	11/12/2003	Fuk Chai Alvin Wai	MAT 316	8944
23581	7590	08/25/2004	EXAMINER	
KOLISCH HARTWELL, P.C. 520 S.W. YAMHILL STREET SUITE 200 PORTLAND, OR 97204			CEGIELNIK, URSZULA M	
			ART UNIT	PAPER NUMBER
			3712	

DATE MAILED: 08/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/712,498	WAI, FUK CHAI ALVIN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Urszula M Cegielnik	3712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-21 and 23-26 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,22,27 and 28 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/2004</u> . | 6) <input type="checkbox"/> Other: ____  |

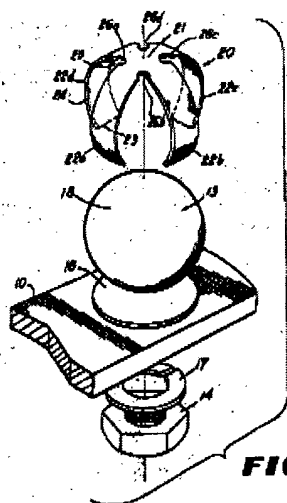
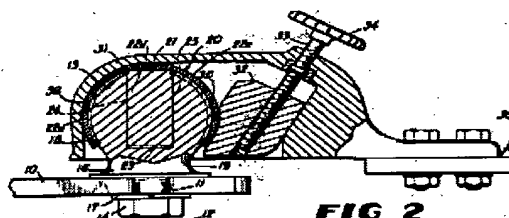
**DETAILED ACTION*****Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 7-21, and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Suarez.

**FIG 1****FIG 2**

Suarez discloses a movable toy comprising a first body part member (10); and a second body part member (31), a joint is defined between the first and second body part members (10,31) to enable relative motion between the first and second body part members (the first and second body parts are enabled by the socket (20) and plug (ball) (13)), the joint comprises a plug portion (13) secured to one of the first and second body part members (10,31); and a socket portion (20) secured to the other of the first and second body part members (10,31) and adapted to receive the plug portion (18), the

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socket portion (20) includes multiple spaced apart protrusions (22a,22b,22c,22d), the joint being adapted so that an operative surface (the outer surface portion of reference numeral 13) of the plug portion (13) is urged into contact with ends of the protrusions (22a,22b,22c,22d) so as to create friction therebetween (*the fingers snugly grasp the body 18, col. 2, line 63-66*); and a separately manufactured removable insert (14) adapted to secure the plug portion (13) within the socket portion (20); the protrusions are formed as ribs that extend toward the operative surface of the plug portion (13) that extend toward the operative surface of the plug portion from a wall of the socket portion (18); each of the multiple contact regions are formed at an end of a protrusion that extends toward the operative surface of the plug portion (13); the protrusions (ribs) extend toward the operative surface of the plug portion at angles to one another; the operative surface of the plug portion is convex (col. 2, lines 36-39) and at least one of the multiple distinct contact regions is concave (col. 2, lines 36-39); the socket portion (20) is configured to capture and hold a head (18) of the plug portion (13) within the socket portion (20) (col. 2, lines 63-66); the socket portion (20) is adapted to urge the head (18) of the plug portion (13) against the multiple distinct contact regions (22a,22b,22c,22d); the plug portion (13) includes a head (18) and a shaft (12) extending therefrom, the shaft (19) being narrower in width than the head (18); the shaft (12) extends from the head (18) through an opening (the female threaded portion of reference numeral 14); the opening (the female threaded portion of reference numeral 14) is sized smaller than the head (see Figure 1, for example); the shaft (12) extends away from the head (18) between the first and second body part members (10,31)..

***Allowable Subject Matter***

Claims 2, 3, 6, 22, 27, and 28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Urszula M. Cegielnik whose telephone number is 703-306-5806. The examiner can normally be reached on Monday through Friday, from 5:30AM - 2:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on 703-308-1745. **The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306 for both regular and After Final communications.**

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Customer Service at 703-306-5648.

Urszula M. Cegielnik  
Assistant Examiner  
Art Unit 3712



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